

clms

Donna Mae Amina
Melvin Keakaku Amina
2304 Metcalf Street 2
Honolulu, HI 96822
(808) 941-0685

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 30, 2013
at 10 o'clock and 15 min.
SUE BEITIA, CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

MELVIN KEAKAKU AMINA AND DONNA
MAE AMINA, HUSBAND AND WIFE,

Plaintiffs,

vs.

THE BANK OF NEW YORK MELLON, FKA
THE BANK OF NEW YORK;

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR J.P. MORGAN MORTGAGE
ACQUISITION TRUST 2006-WMC2, ASSET
BACKED PASS-THROUGH CERTIFICATES,
SERIES 2006-WMC2,

Defendants.

Case No. CV 10-00714 JMS BMK

**PLAINTIFFS' VERIFIED MOTION FOR EXTENSION OF TIME TO FILE
OPPOSITION TO [67] BANK OF NEW YORK MELLON AND U.S. BANK NATIONAL
ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT**

Certification

We, the undersigned Plaintiffs, certify that we have conferred or attempted to confer with
counsel for the Defendants with the following results:

() Will oppose

(X) Will not oppose

(X) Did not return call

Motion

1. Plaintiffs move for extension of time to file an Opposition to [67] Bank of New York Mellon and U.S. Bank National Association's motion for summary judgment.
2. Plaintiff's Opposition is due by February 4, 2013. This is the first request.
3. Plaintiffs request 14 more days, or until February 18, 2013.
4. Plaintiffs earlier [65] stipulated that Defendants could have more time to file their Motion for Summary Judgment; that deadline was extended for 30 days, from 11/15/12 to 12/15/12. That extension was needed because the parties were unable to schedule the depositions of Plaintiffs until the week of 11/12/12 and the parties needed time to obtain the deposition transcripts.
5. Those transcripts, which Defendants have used in their Motion for Summary Judgment, are not accurate. Plaintiffs were not given an opportunity to contest the accuracy of the transcripts before they were certified. Plaintiffs have submitted a request to correct the transcripts. That request is still pending. After the transcripts are finalized, Plaintiffs intend to use them in their Opposition.
6. Plaintiffs wish to put forth evidence creating a genuine issue of material fact.
7. Plaintiffs wish to seek a Rule 56(d) continuance.
8. According to Rule 56(d), Plaintiffs must show by affidavit or declaration that, for specified reasons, Plaintiffs cannot present facts essential to justify their opposition. Those reasons are: (1) The Rule 16 Scheduling order has not been issued; (2) The discovery period has not yet started; (3) The deposition transcripts are inaccurate.

9. The [69] TRANSCRIPT of Proceedings held on October 15, 2012 states:

MR. GRUEBNER: So today's Rule 16 has been moved until after that time.
THE COURT: So I'm moving it until after the hearing date on the motion for summary judgment.

10. The [3] ORDER SETTING RULE 16 SCHEDULING CONFERENCE states:

... unless otherwise ordered by the Court, a meeting of the parties must occur at least 21 days prior to the Scheduling Conference ... no formal discovery may be commenced before the meeting of the parties.

11. Such a meeting has not yet occurred; therefore "no formal discovery may be commenced".

12. Plaintiffs hereby certify under penalty of perjury that they hope to elicit the following facts from discovery: (1) Neither of the Defendant owns or holds either of the Notes.

13. There are complex legal issues that need to be researched.

14. Plaintiffs have been out of the country on business, and are unable to do all that during the short time frame.

15. Plaintiffs are not attorneys and need more time for research.

16. This motion is made for good cause and not for any dilatory purpose.

17. Plaintiffs should be granted more time to oppose Summary Judgment in order to prevent an injustice.

We declare under penalty of perjury that the foregoing is true and correct.

Executed on: 1 / 29 / 2013



Donna Amina, Plaintiff *pro se*
2304 Metcalf Street
Honolulu, HI 96822



Melvin Amina, Plaintiff *pro se*
2304 Metcalf Street
Honolulu, HI 96822

CERTIFICATE OF SERVICE

On the date last written below, I served a true copy of the foregoing document upon the following parties in this action by First Class U. S. mail postage prepaid:

Defendants

THE BANK OF NEW YORK MELLON, FKA THE BANK OF NEW YORK;
U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR J.P. MORGAN
MORTGAGE ACQUISITION TRUST 2006-WMC2, ASSET BACKED PASS-
THROUGH CERTIFICATES, SERIES 2006-WMC2

c/o JEFFREY H. K. SIA

c/o DIANE W. WONG

c/o DAVID A. GRUEBNER

Ayabe Chong Nishimoto Sia & Nakamura LLLP

Pauahi Tower

1003 Bishop St., Ste 2500

Honolulu, HI 96813-4216

Executed on: 1 / 29 / 2013

(signed by person mailing)